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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 CARLEEN S. DAHLSTEDT,

10 Plaintiff,

11 v.

12 NORTHWEST TRUSTEE SERVICES,
13 INC., et al.,

14 Defendants.

Case No. 08-1220-RSM-JPD

REPORT AND RECOMMENDATION

15 Plaintiff Carleen S. Dahlstedt, proceeding *pro se*, has brought a civil lawsuit against
16 defendants Northwest Trustee Services, Inc., Chris Ashcroft, DLJ Mortgage Capital, Inc.,
17 Credit Suisse Financial Corporation, Select Portfolio Services, Inc., the State of Washington,
18 and what plaintiff calls the “Fictitious Foreign State.” Dkt. Nos. 1-2, 1-4. The complaint is
19 incomprehensible. The present matter has been referred to the undersigned Magistrate Judge
20 for review and ruling on plaintiff’s application to proceed *in forma pauperis* (“IFP”), which the
21 plaintiff has filed with no answers. Dkt. No. 1-1. But there are other, much larger problems
22 with this case. After careful consideration of plaintiff’s IFP application, proposed complaint,
23 supporting materials, the governing law and the balance of the record, the Court recommends
24 that her complaint be DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). As a result,
25 plaintiff’s IFP application should be DENIED as moot.
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1 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court must dismiss a complaint if it is
2 frivolous, fails to state a claim upon which relief can be granted, or seeks monetary relief
3 against a defendant who enjoys immunity from suit. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(iii);
4 *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an
5 arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The
6 U.S. Supreme Court has also held that courts may dismiss IFP complaints *sua sponte* without
7 notice if the claim is based on an “indisputably meritless legal theory” or “factual contentions
8 [that] are clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). The fact that
9 plaintiff is not a prisoner does not change this analysis. *See Lopez v. Smith*, 203 F.3d 1122,
10 1129 (9th Cir. 2000) (“[S]ection 1915(e) applies to all in forma pauperis complaints, not just
11 those filed by prisoners.”).

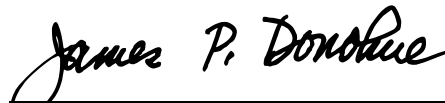
12 Here, plaintiff’s IFP application is blank. She has also filed an incomprehensible
13 complaint. It is a four-page document replete with references to religious figures, the Bill of
14 Rights, isolated federal statutes, the Federal Rules of Civil Procedure, the Internal Revenue
15 Code, the common law of England, and *Corpus Juris Secundum*. *See* Dkt. Nos. 1-2, 1-4. The
16 proposed complaint sets forth a string of rambling statements that fail to allege sufficient facts
17 to place the defendants on notice of the nature of her claims, to allow the defendants to answer
18 or meaningfully respond to those claims, or to otherwise provide any basis for jurisdiction in
19 this Court. *See* Fed. R. Civ. P. 8(a). Indeed, it is unclear who exactly plaintiff is trying to sue.
20 She at times refers to herself as the defendant, at other times the plaintiff, and lists Washington
21 and the “Fictitious Foreign State” as the opposing parties in her proposed complaint, Dkt. No.
22 1-2, but also lists Northwest Trustee Services, Inc., Chris Ashcroft, DLJ Mortgage Capital,
23 Inc., Credit Suisse Financial Corporation, Select Portfolio Services, Inc. as defendants in a
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1 related document she has titled "Praeceptum," Dkt. No. 1-4.¹ Because this action appears
2 frivolous, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B).

3 The Court advises plaintiff of her responsibility to research the facts and law before
4 filing a complaint in order to determine whether her claim for relief is frivolous. If plaintiff
5 files another frivolous action, she may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would
6 likely impose a sanction of dismissal on any frivolous complaint. If plaintiff files numerous
7 frivolous or malicious complaints, the Court may bar her from proceeding in this court as a
8 vexatious litigant.² *See DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990)
9 (discussing vexatious litigant bar order requirements).

10 Because of the extreme deficiencies in plaintiff's complaint, this case should be
11 DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). As a result, plaintiff's IFP application
12 should be DENIED as moot. A proposed Order of Dismissal accompanies this Report and
13 Recommendation. If plaintiff believes that the deficiencies outlined herein can be cured by an
14 amendment to her complaint, she should lodge an amended complaint as a part of her
15 objections, if any, to this Report and Recommendation.

16 DATED this 4th day of September, 2008.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge

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25 ¹ A praecipe is a written motion or request seeking some court action, especially a
trial setting or an entry of judgment. BLACK'S LAW DICT. (7th ed. 2000).

26 ² Indeed, plaintiff has already filed two other complaints that are nearly identical to
the instant complaint. *See* Case Nos. C08-1178 and C08-1227.